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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,112	10/11/2001	Greg Mercurio	CISCP715	1734

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EXAMINER

CAI, WAYNE HUU

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/977,112	Applicant(s) MERCURIO, GREG	
	Examiner Wayne Cai	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to Request for Continued Examination dated 08/09/2005.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because submitted drawings are not formal (all reference numbers should be typed up). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 123 on page 2, line 25 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

Art Unit: 2681

action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-11, 17-21, 23-24, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishino (US – 6,233,452 B1).

Regarding claims 1, 7, and 11, Nishino discloses a wireless transceiver device, the wireless transceiver device being arranged to interface with a roaming device, the wireless transceiver device comprising:

- computer code for causing static input information associated with the wireless transceiver device to be accepted (fig. 5, box S212; and its descriptions);
- a memory arranged to store data (fig. 2, elements 64-66 and its descriptions), the memory further including an editable field, wherein the computer code for causing the static input information to be accepted

- causes the static input information to be stored in the editable field (box S214; and its descriptions);
- computer code for causing a record associate with the roaming device to be generate, the record being arranged to include the static input information stored in the editable field and data, wherein the computer code for causing the record associated with the roaming device to be generated further causes the record to be stored on the memory (col. 14, lines 26-39; col. 14, line 5 – col. 15, line 16);
 - a processor for executing the computer codes, wherein the memory is further arranged to store the computer codes (fig. 2, element 63; and its descriptions).

With further regard to claims 17, and 19, Nishino also discloses a method comprising: receiving an indication that a roaming device is within the communication range (col. 8, line 42 – col. 9, line 2)

Regarding claims 2, 8, and 23, Nishino discloses the wireless transceiver device of claims 1, and 7 as described above. Nishino further discloses including computer code for obtaining the data, wherein the data is obtained when the roaming device is in communication with the wireless transceiver device (fig. 5, box S200 and its descriptions; col. 12, line 55 – col. 13, line 23).

Regarding claims 3, and 9, Nishino discloses the wireless transceiver device of claims 2, and 8 as described above. Nishino also discloses wherein the computer code for causing the record associated with the roaming device to be generated includes

computer code for causing the record associated with the roaming device to be generated when the roaming device registers with the wireless transceiver device (col. 14, line 26 – col. 15 line 5).

Regarding claims 4, and 10, Nishino discloses the wireless transceiver device of claims 2, and 8 as described above. Nishino also discloses wherein the computer code for causing the record associated with the roaming device to be generated includes computer code for causing the record associated with the roaming device to be generated when the roaming device deregister from the wireless transceiver device (col. 14, line 26 – col. 15, line 5).

Regarding claims 5, and 18, Nishino discloses the wireless transceiver device of claims 1, and 17 as described above. Nishino also discloses wherein the static input information is a location associated with the wireless transceiver device, and the computer code for causing the static input information to be accepted include computer code for causing the static input information to be accepted from a source that is external to the wireless transceiver device (fig. 5, boxes S212 & S214 and its descriptions).

Regarding claim 20, Nishino discloses the wireless transceiver device of claims 17 as described above. Nishino also discloses wherein adding the static information into the record includes reading the static information from the editable field (fig. 5, box S212; col. 15, lines 6-16).

Regarding claim 21, Nishino discloses the method of claim 17 as described above. Nishino also discloses wherein the static information is information associated with a location of the transceiver device (col. 14, lines 26-67).

Regarding claim 24, Nishino discloses a method of configuring an access point comprising:

- determining an address of the desired location (i.e., the telephone number associated with the access point);
- storing the address in a memory field, the memory field being associated with the access point (box S214).
- positioning the access point at a desired location is inherent.

Regarding claim 27, Nishino discloses the method of claim 24 as described above. Nishino also discloses wherein the memory field is an editable field, and storing the address in the memory field includes: inputting the address into the access point (i.e., adding the telephone number of the access point; box S212 and its descriptions).

Regarding claim 28, Nishino discloses the method of claim 27 as described above. Nishino also discloses wherein inputting the address into the access point includes providing the address to the memory field (box S214 and its descriptions).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2681

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 13-16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino in view of Lee et al. (hereinafter Lee) (US – 6,535,493 B1).

Regarding claims 6, 13, and 22, Nishino discloses the wireless transceiver device of claims 1, and 7 as described above, except for wherein the wireless transceiver device is an access point, and the first device is a roaming device.

In a similar endeavor, Lee discloses a mobile internet communication protocol. Lee also discloses wherein the wireless transceiver device is an access point (fig. 1, elements 102, 104, 132, 134), and the first device is a roaming device (elements 100, 130).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishino's invention by including the wireless transceiver and the first device as an access point, and roaming device because it is convenient for users to access to the network in many different places.

Regarding claim 14, Nishino, and Lee disclose the transceiver device of claim 13 as described above. Nishino also discloses wherein the access point is a pad of a wireless local area network, the transceiver device further including: means for obtaining the data from the first device when the first device is in communication with the transceiver device to access the wireless local area network. (col. 1, line 62 – col. 2, line 29).

Regarding claim 15, Nishino and Lee disclose the transceiver device of claim 14 as described above. Nishino also discloses wherein the means for generating the

Art Unit: 2681

record associated with the first device includes means for placing the data obtained from the first device in the record and means for placing the input information stored in the editable field in the record (col. 15, lines 6-16).

Regarding claim 16, Nishino and Lee both disclose the transceiver device of claim 15 as described above. Nishino also discloses wherein the means for generating the record further includes means for obtaining the input information from the editable field. (col. 15, lines 6-16)

8. Claims 12, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino in view of Stewart et al. (hereinafter Stewart) (US – 6,414,635 B1).

Regarding claims 12, and 25, Nishino discloses the system, and method of claims 7, and 24 as described above, except for wherein the address includes at least one of a longitude, a latitude, and an altitude of the desired location.

In a similar endeavor, Stewart discloses a geographic-based communication service system with more precise determination of a user's known geographic location. Stewart also discloses wherein the address includes at least one of a longitude, a latitude, and an altitude of the desired location (col. 15, lines 9-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nishino's invention by adding different information of the address to precisely locate the roaming device.

Regarding claim 26, Nishino discloses the method of claim 24 as described above, except wherein the address is determined using a global positioning system receiver.

In a similar endeavor In a similar endeavor, Stewart discloses a geographic-based communication service system with more precise determination of a user's known geographic location. Stewart also discloses wherein the address is determined using a global positioning system receiver (col. 7, lines 35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the global positioning system receiver in helping to determine the location of the roaming device.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Qai
Examiner
Art Unit 2681



ERIKA A. GARY
PRIMARY EXAMINER